

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 36063

STATE OF IDAHO,	)	2009 Unpublished Opinion No. 573
	)	
Plaintiff-Respondent,	)	Filed: August 19, 2009
	)	
v.	)	Stephen W. Kenyon, Clerk
	)	
JEFF T. EGUILIOR,	)	THIS IS AN UNPUBLISHED
	)	OPINION AND SHALL NOT
Defendant-Appellant.	)	BE CITED AS AUTHORITY
	)	

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Appeal from the District Court of the Fifth Judicial District, State of Idaho, Lincoln County. Hon. John K. Butler, District Judge.

Order denying I.C.R. 35 motions for correction of illegal sentences, affirmed.

Stephen D. Thompson, Ketchum, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Kenneth K. Jorgensen, Deputy Attorney General, Boise, for respondent.

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Before PERRY, Judge; GUTIERREZ, Judge;  
and GRATTON, Judge

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PER CURIAM

Jeff T. Eguilior pled guilty to burglary, I.C. § 18-1401, and two counts of grand theft, I.C. §§ 18-2403(1), 18-2407(1)(b)(1). The district court sentenced Eguilior to a unified term of five years, with a minimum period of confinement of two years for burglary; a unified term of six years, with a minimum period of confinement of three years, for one count of grand theft; and a unified term of thirteen years, with a minimum period of confinement of four years, for the second count of grand theft. The district court further ordered that Eguilior's sentences run concurrently.

Eguilior filed an I.C.R 35 motion for reduction of his sentences, which the district court denied. Thereafter, Eguilior filed two Rule 35 motions for correction of his sentences, which he alleged were illegal. The district court again denied Eguilior's motions, and he appeals.

Pursuant to Rule 35, the district court may correct an illegal sentence at any time. In an appeal from the denial of a motion under Rule 35 to correct an illegal sentence, the question of whether the sentence imposed is illegal is a question of law freely reviewable by the appellate court. *State v. Josephson*, 124 Idaho 286, 287, 858 P.2d 825, 826 (Ct. App. 1993); *State v. Rodriguez*, 119 Idaho 895, 897, 811 P.2d 505, 507 (Ct. App. 1991).

Having reviewed the record in this case, we conclude that Eguilior has failed to demonstrate that any of his sentences are illegal. Thus, the district court did not err in denying his Rule 35 motions. Therefore, the district court's order denying Eguilior's Rule 35 motions are affirmed.